

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HANDONG WEN,
Plaintiff,

v.

ROBERT E. WILLIS and FOXCOTE, INC.,
Defendants.

CIVIL ACTION

NO. 15-1328

ORDER

AND NOW, this 31st day of July, 2015, upon consideration of the Defendants Robert E. Willis and Foxcode, Inc.'s Motion to Dismiss the Complaint of Handong Wen [ECF No. 11]; the Plaintiff Handong Wen's response in opposition thereto [ECF No. 12]; and the Defendants' Reply [ECF No. 13], and for the reasons provided in the Court's Opinion of July 31, 2015, **IT IS ORDERED** as follows:

- (1) the motion to dismiss Counts I (fraud), II (fraud in the inducement), III (federal law securities fraud), V (conversion), and VI (misappropriation) is **GRANTED**; Counts I, II, III, V, and VI of the Plaintiff's Complaint [ECF No. 1] are **DISMISSED WITH PREJUDICE**;
- (2) the motion to dismiss Count VII (breach of fiduciary duty) is **GRANTED**; Count VII of the Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**;
- (3) the motion to dismiss Count IV (Pennsylvania law securities fraud) is **DENIED**;
- (4) the Plaintiff shall be granted leave to file an Amended Complaint; such amended complaint shall be filed no later than **August 10, 2015**, otherwise the Plaintiff's claim in Count VII will be dismissed with prejudice;
- (5) the Defendant **SHALL ANSWER** the Plaintiff's complaint within the time provided by the Federal Rules of Civil Procedure;
- (6) counsel for the parties **SHALL APPEAR** for a Preliminary Pretrial Conference in Chambers (Room 5918) on **August 7, 2015, at 11:30 a.m.**

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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